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Applicant Name: Carl L. Morgan  
Proceeding Name: 98-143 Author Name:  
Lawfirm Name:  
Contact Name: applicant\_name Contact Email: MorganCL@MUohio.edu  
Address Line 1: 508 S. Highview Road  
Address Line 2:  
City: Middletown State: OH  
Zip Code: 45044 Postal Code: 5037  
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**Comments relevant to the FCC's NPRM 98-183**

**In the Matter of**

**WT Docket No. 98-143**

**1998 Biennial Regulatory Review --**

**RM-9148**

**Amendment of Part 97 of the Commission's**

**RM-9150**

**Amateur Service Rules.**

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**A. Number of License Classes**

**I generally support** the Commission's proposal to phase out the Technician Plus Class; however, I recommend that holders of an FCC-issued Technician Class operator license granted before March 21, 1987<sup>1</sup>, be advanced to General Class operator. Subsequent Technician Plus licensees could qualify for a General Class operator license by passing written examination Element 3(B), consisting of thirty questions on the additional privileges of a General Class operator license. The 5 wpm telegraphy examination, which they have previously passed, would become the minimum telegraphy qualification for General Class.

**I generally support** the Commission's proposal that the Novice Class operator license be phased out, with the current holders of Novice Class operator licenses continuing. No new Novice Class licenses would be granted, but anyone currently holding a Novice license would be permitted to modify or renew their license. In addition, Novice Class operators would be eligible for examination credit for the telegraphy requirement<sup>2</sup> for General class.

**Regarding disposition of the designated Novice bands.** I believe it would be appropriate to delete the frequency limitations on Novices, allowing them CW operation anywhere within the General class portions of the 80, 40, 15 and 10 meter bands<sup>3</sup>. Although digital techniques, on 10M would be allowed, SSB operation should be deleted.

**B. Greater Volunteer Examiner Opportunities**

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<sup>1</sup> This recognizes that licensees, prior to March 21, 1987, completed the equivalent of Elements 3(A) and 3(B) in a single examination (Element 3)

<sup>2</sup> The telegraphy examination the Novice has passed (Element 1A), in concert with International treaties, would become the minimum telegraphy requirement for General class

<sup>3</sup> Also deleted would be Novice access to the 222 MHz band and 10-meter radiotelephone operation.

**I generally support** the authorization of Advanced Class operators to prepare and administer examinations for the General Class operator license and to authorize General Class operator licensees to prepare and administer examinations for Technician Class operator licenses. As is now the practice, examiners should be authorized only to administer elements which they themselves have received credit by examination<sup>4</sup>; consequently, individuals holding (13 and/or 20 wpm) telegraphy waivers would not be permitted to prepare and administer telegraphy examinations above 5 wpm.

### **C. RACES Station Licenses**

**I have no objection** to the Commission's proposal to phase out RACES station licenses by neither renewing nor issuing new RACES station licenses.

### **D. Privatization of Certain Enforcement Procedures**

**I do support** the ARRL's statement that amateur operators in the Amateur Auxiliary could be used to a greater advantage. The amateur auxiliary should be able to bring complaints of malicious interference and rules violations directly to the Commission's enforcement division for action. Upon receiving a documented complaint and within 60 days, the Commission would determine whether the evidence submitted establishes a *prima facie* case of malicious interference. If no such case is made, the volunteer observer is notified and no further action would be taken. If a *prima facie* case is made, the matter would immediately transfer to the enforcement division for prompt action<sup>5</sup>.

### **E. Telegraphy Examination Requirements**

**Three levels of telegraphy proficiency remain relevant today.** Speeds, however, should be relevant to the class of license; *i.e.* 5 wpm for General, 13 (or in the range of 10-13) wpm for Advanced, and 20 (or in the range of 15-20) wpm for Amateur Extra.

Clearly, when the required Morse code elements are reduced or eliminated, additional content should be added to the written examination to better ensure a working knowledge of the newer digital technologies and relevant procedures.

I believe that the current practice of allowing VEs to determine how to test for code proficiency<sup>6</sup>

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<sup>4</sup> It might be well to think of authorizing VEs to administer *any* examination element that they, themselves, have passed *as evidenced by their license*.

<sup>5</sup> The Commission *must* understand that time is of the essence and continuing delays in their effective enforcement merely creates the perception of FCC's disinterest and makes interference problems and rules violations worsen.

<sup>6</sup> Whether fill-in-the-blank, multiple choice, or "solid copy" procedures are used, the spirit of "code comprehension" is readily satisfied.

is adequate and within the scope of the requirement. Of greater concern, however, is the elimination of abuse of the handicap waiver provision.

**I see no value** to *requiring* fill-in-the-blank or copying one out of five minutes to demonstrate proficiency *except* to intensify efforts of others to wholly eliminate telegraphy testing from the amateur service. VEs are now free to decide which procedure they will use and it should remain that way. VECs should provide guidance and relevant data to their VEs to assure quality and consistent testing within their service area.

**I see no value** in requiring a handicapped examinee to attempt a higher-speed telegraphy examination before examination credit is given pursuant to a doctor's certification. An examinee, hoping to use a physician's waiver, merely fails the examination and then "whips out" his/her waiver. This provision does nothing except create more work for the volunteer examiners and VEC. Perhaps the Commission should become *the only entity* processing telegraphy waivers and making decisions thereof. It might be, if the applicant knows the Commission will be processing their waiver rather than local VEs or a VEC, the incident of abuse might suddenly decline. Perhaps, too, if a physician knows he/she is responding to a Federal agency, greater care and distinction may become the norm.

**I do not support** the ARRL's request that volunteer-examiner coordinators (VECs) be authorized to request medical information from the certifying physician pertaining to the examinee's disability. Unless the VEC is prepared to have qualified medical consultation to evaluate a physician's diagnosis, it appears this information would be irrelevant and intrusive.

**It seems to me** that the waiver is, in itself, unnecessary. The Commission has authorized numerous "accommodations" that may be employed, by volunteer examiners, in telegraphy testing. One overwhelming difference between a waiver and an accommodation is, in my view, the latter *requires* the applicant to learn the code whereas the former does not.

Special cases should be appealable to the Commission for final disposition on a case-by-case basis. They should, then, be authorized to request medical information from the certifying physician pertaining to the examinee's disability and institute a follow up evaluation by medical personnel (perhaps volunteer) knowledgeable both in medicine *and* the elements of amateur radio.

## **F. Written Examinations**

**In my opinion**, the general topics set forth in Section 97.503 of the Commission's Rules adequately cover the significant categories of information relevant to determining whether an applicant has the requisite operational and technical qualifications to become an amateur licensee.

To assure consistency and fairness, the Commission should determine the required number of questions from each general topic that should be included in a written examination. Specific questions should continue to be obtained through a singular "question pool" to assure integrity and consistency. Questions, though, should be carefully thought out and *should not* include the mundane and obviously foolish.

The current amateur examination process works quite well. Applicants are treated respectfully and they feel a sense of familiarity which tends to alleviate anxiety. Examination integrity, although not at the level a government agency might provide, is quite high and readily monitored.

## CONCLUSION

In view of the foregoing, I concur with: (1) the phase out the Novice Class operator license (current licenses renewable); (2) authorization of Advanced Class operators to prepare and administer examinations for the General Class operator license; and (3) to sunset RACES station licenses by neither issuing new licenses nor renewals of current authorizations.

In summary, I believe both the Commission and the ARRL have made excellent points in their respective restructuring proposals. I further believe that a melding of the two proposals is now in order; consequently, I submit the following for your consideration.

- (1) Entry into Amateur Radio would be known as Technician and would convey the privileges of the present Technician license<sup>7</sup>. The written examination would be at the same level of difficulty as that of the present Technician examination, but consistent with the privileges<sup>8</sup> of the license. All amateurs now licensed as Technician or Technician Plus (excepting those who earned their licenses prior to March 21, 1987) would be Technician Class licensees. A telegraphy examination would not be required for the Technician Class license.
- (2) The next step would be known as General and would convey the privileges of the present General license. To upgrade from Technician to General, an amateur would pass a written examination on the operational and technical qualifications required for HF operation and a 5 word per minute telegraphy examination. All amateurs holding a Technician Plus license issued prior to March 21, 1987 and current General licensees would be General Class licensees.
- (3) The third step would be known as Advanced and would convey the privileges of the present Advanced license. To upgrade from General to Advanced, an amateur would pass a more advanced written examination, similar in difficulty to the present Element 4A, and a telegraphy examination in the 10-13 word per minute range. All amateurs now licensed as Advanced would continue as Advanced Class licensees.
- (4) The final step would be known as Amateur Extra and would convey the privileges of the present Amateur Extra Class license. To upgrade from Advanced to Extra, an amateur would be required to pass the most difficult written examination in the sequence and a

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<sup>7</sup> Privileges, existing on 50MHz and higher bands, would include all amateur modes and have a power limitation consistent with amateur rules and applicable treaties. No access would be granted to bands below 50MHz. Technician Plus licensees would *lose* their access to HF bands as they are currently authorized.

<sup>8</sup> VHF, UHF, and higher techniques would be included while references to HF operations would be deleted. Concepts, relevant to telegraphy would be deleted while other digital techniques may be enhanced.

telegraphy examination in the 15-20 wpm range. All amateurs presently licensed as Amateur Extra Class would continue as Amateur Extra Class licensees.

**A little about the writer:**

I am a continuously-licensed amateur radio operator (currently K8CM), having received my first license (K8NHE) in 1958. My activities and interests now include operation on UHF, VHF, and HF bands, educating new amateurs, and providing convenient examination opportunities to my community.

I am also a VE (since 1991) for both the ARRL/VEC and W5YI-VEC and a coordinator (since 1988) for our local (Club) amateur radio classes.

Professionally, I am a retired University professor having completed 37 years in the classrooms of higher education. I am now employed, part-time in a computer-support capacity.

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Respectfully Submitted,

Carl L. Morgan  
508 S. Highview Road  
Middletown, OH 45044-5037  
(513 422-9384